

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

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1.01.010 Adoption.

There is adopted the Butte-Silver Bow Municipal Code, as published by Book Publishing Company, Seattle, Washington. (Ord. 308 § 1, 1987)

1.01.020 Title—Citation—Reference.

This code shall be known as the “Butte-Silver Bow Municipal Code” and it may be referred to as “Butte-Silver Bow Municipal Code” in any prosecution for the violation of any provision thereof or any proceeding at law or equity. Prosecutions for violations of ordinances of the city and county of Butte-Silver Bow, state of Montana and actions based thereon shall refer to the Butte-Silver Bow Municipal Code sections as well as the underlying ordinance upon which the prosecution or action is based. Amendments to any ordinance or portions thereof of the city and county of Butte-Silver Bow, state of Montana, shall also refer to the Butte-Silver Bow Municipal Code sections under which such ordinances are codified. (Ord. 308 § 2, 1987)

1.01.030 Provisions codified.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city and county of Butte-Silver Bow, state of Montana. (Ord. 308 § 3, 1987)

1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance No. 222, passed November 20, 1984. The following ordinances, passed subsequent to Ordinance No. 222, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 223 through 307 inclusive. (Ord. 308 § 4, 1987)

1.01.050 Reference applies to all amendments.

Whenever any reference is made to this code as the “Butte-Silver Bow Municipal Code” or to any portion thereof, or to any ordinance of the city and county of Butte-Silver Bow, state of Montana, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 308 § 5, 1987)

1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 308 § 6, 1987)

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 308 § 7, 1987)

1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city and county of Butte-Silver Bow, state of Montana, shall in any manner affect the prosecution for violations of ordinances, which violations are committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license, fee or penalty at such effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 308 § 8, 1987)

1.01.090 Effective date of code.

This code shall become effective on the date of the ordinance codified in this chapter adopting this code as the "Butte-Silver Bow Municipal Code" shall become effective. (Ord. 308 § 9, 1987)

1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and such section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 308 § 10, 1987)

Chapter 1.04

GENERAL PROVISIONS

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| 1.04.120 | Ordinance—Enacting clause. |
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- 1.04.170 Ordinance—Veto.**
- 1.04.180 Emergency ordinance.**
- 1.04.210 Report, petition and communication requirements.**
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- 1.04.220 Report, petition and communication register.**

1.04.010 Resolution—Format.

All resolutions enacted by the council of commissioners shall be submitted on papers produced by any standard printing process, by typewriter or by an equivalent process capable of producing a clear black image on paper. Such paper shall be standard quality, white, opaque, unglazed and eight and one-half by eleven inches in size. All print must appear in at least Courier ten characters per inch type on opaque, unglazed paper. All foregoing papers shall have numbered pages not exceeding eight and one-half by eleven inches with margins on the right side and on the top and bottom not less than one inch wide and at the left side not less than one and one-half inches wide, with the caption "Council Resolution No. ," at the top of the first page, followed by the title and all in capital letters, provided however that paper setting forth maps, exhibits and other like papers may be: (A) reproduced in original form, size and print even though the papers exceed the foregoing limitations, or (B) reproduced in their original form, but in reduced size print on pages not exceeding eight and one-half by eleven inches even though the print type is less than eleven point type, provided that the print is legible. (Ord. 592 § 1, 1997)

1.04.015 Designation of council resolutions.

All council resolutions shall be designated by numbers and letters as follows: The first three letters of each council resolution shall be RES followed by two digits indicating the year in which the council resolution was filed, followed by a number indicating the sequential order of council resolutions filed in chronological order for the year indicated. For example: RES-98-1. (Ord. 608 § 1, 1998)

1.04.020 Resolution—Enacting clause.

The enacting clause of all resolutions passed by the council of commissioners shall be: "Be it resolved by the City and County of Butte-Silver Bow," and the enacting clause of all resolutions submitted by initiative shall be: "Be it resolved by the people of the City and County of Butte-Silver Bow." (Ord. 592 § 2, 1997)

1.04.030 Resolution—Register.

Every resolution, upon its final passage and approval, shall be recorded in the register of resolutions and shall be dated and authenticated by the signatures of the council chairman and the chief executive and attested by the clerk and recorder with signatures of the county attorney and the chairman of the judiciary committee indicating approval of the form of the resolution. (Ord. 592 § 3, 1997)

1.04.040 Resolution—Amendment.

A resolution may only be amended by submittal of a new resolution and the amending resolution must contain the entire section(s) to be revised or amended. (Ord. 592 § 4, 1997)

1.04.050 Resolution requirements.

A. After passage, all resolutions shall be signed and dated by the chairman of the council of commissioners.

B. All resolutions approved by the chief executive shall be signed and dated by the chief executive and filed with the clerk and recorder and kept in the register of resolutions. (Ord. 592 § 5, 1997)

1.04.060 Resolution—Effective date.

A. Resolutions may be submitted and adopted at a single meeting of the council of commissioners.

B. All resolutions shall be immediately effective unless a delayed effective day is specified. (Ord. 592 § 6, 1997)

1.04.070 Resolution—Veto.

If the chief executive decides to veto a resolution, this power must be exercised in writing prior to the next regularly scheduled meeting of the council of commissioners. Whenever the chief executive vetoes a resolution, the council of commissioners must act at the next regularly scheduled meeting to either override or confirm the veto. Whenever the veto is overridden or the chief executive fails to act, the resolution shall take effect. (Ord. 592 § 7, 1997)

1.04.110 Ordinance—Format.

All ordinances enacted by the council of commissioners shall be submitted on papers produced by any standard printing process, by typewriter or by an equivalent process capable of producing a clear black image on paper. Such paper shall be standard quality, white, opaque, unglazed and eight and one-half by eleven inches in size. All print must appear in at least Courier ten characters per inch type on opaque, unglazed paper. All foregoing papers shall have numbered pages not exceeding eight and one-half by eleven inches with margins on the right side and on the top and bottom not less than one inch wide and at the left side not less than one and one-half inches wide, with the caption "Council Bill No. _____, Ordinance No. _____" at the top of the first page, followed by the title and all in capital letters, provided however that paper setting forth maps, exhibits and other like papers may be: (A) reproduced in original form, size and print even though the papers exceed the foregoing limitations, or (B) reproduced in their original form, but in reduced size print on pages not exceeding eight and one-half by eleven inches even though the print type is less than eleven point type, provided that the print is legible. (Ord. 591 § 1, 1997)

1.04.115 Designation of council bills and ordinances.

All council bills and ordinances shall be designated by numbers and letters as follows:

A. The first two letters of each council bill shall be CB followed by two digits indicating the year in which the council bill was filed, followed by a number indicating the sequential order of council bills filed in chronological order for the year indicated. For example: CB-98-1.

B. The first three letters of each Ordinance shall be ORD followed by two digits indicating the year in which the ordinance was filed, followed by a number indicating the sequential order of ordinances filed in chronological order for the year indicated. For example: ORD-98-1. (Ord. 609 § 1, 1998)

1.04.120 Ordinance—Enacting clause.

The enacting clause of all ordinances passed by the council of commissioners shall be: “Be it ordained by the City and County of Butte-Silver Bow,” and the enacting clause of all ordinances submitted by initiative shall be: “Be it ordained by the people of the City and County of Butte-Silver Bow.” (Ord. 591 § 2, 1997)

1.04.130 Ordinance—Register.

Every ordinance, upon its final passage and approval, shall be recorded in the register of ordinances and shall be dated and authenticated by the signatures of the council chairman and the chief executive and attested by the clerk and recorder with signatures of the county attorney and the chairman of the judiciary committee indicating approval of the form of the ordinance. (Ord. 591 § 3, 1997)

1.04.140 Ordinance—Amendment.

An ordinance may only be amended by submittal of a new ordinance and the amending ordinance must contain the entire section(s) to be revised or amended, including reference to both the initial ordinance and the relevant portion of the uniform municipal code. (Ord. 591 § 4, 1997)

1.04.150 Ordinance—Requirements.

A. No ordinance passed shall contain more than one comprehensive subject, which shall be clearly expressed in its title, except ordinances for codification and revision of ordinances.

B. An ordinance must be read and adopted by a majority vote of members present at two meetings of the council of commissioners not less than twelve days apart. After the first adoption and reading, it must be posted and copies made available to the public.

C. After passage, all ordinances shall be signed and dated by the chairman of the council of commissioners.

D. All ordinances approved by the chief executive shall be signed and dated by the chief executive and filed with the clerk and recorder and kept in the register of ordinances. (Ord. 591 § 5, 1997)

1.04.160 Ordinance—Effective date.

No ordinance other than an emergency ordinance shall be effective until thirty days after second and final adoption. The ordinance may provide for a delayed effective date or may provide for the ordinance to become effective upon the fulfillment of an indicated contingency. (Ord. 591 § 6, 1997)

1.04.170 Ordinance—Veto.

If the chief executive decides to veto an ordinance, this power must be exercised in writing prior to the next regularly scheduled meeting of the council of commissioners. Whenever the chief executive vetoes an ordinance, the council of commissioners must act at the next regularly scheduled meeting to either override or confirm the veto. Whenever the veto is overridden or the chief executive fails to act, the ordinance shall take effect. (Ord. 591 § 7, 1997)

1.04.180 Emergency ordinance.

In the event of an emergency, the council of commissioners may waive the second reading of the ordinance. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a two-thirds vote of the whole council of commissioners for passage. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than ninety days. (Ord. 591 § 8, 1997)

1.04.210 Report, petition and communication requirements.

All reports, petitions and communications shall be written, dated and shall be signed by the person or persons submitting the document. (Ord. 610 § 1, 1998)

**1.04.215 Designation of reports, petitions
and communications.**

All reports, petitions and communications shall be designated by numbers and letters as follows:

A. The first two letters of each council report shall be RP followed by two digits indicating the year in which the council report was filed, followed by a number indicating the sequential order of council reports filed in chronological order for the year indicated. For example: RP-98-1.

B. The first three letters of each petition shall be PET followed by two digits indicating the year in which the petition was filed, followed by a number indicating the sequential order of petitions filed in chronological order for the year indicated. For example: PET-98-1.

C. The first three letters of each communication shall be COM followed by two digits indicating the year in which the communication was filed, followed by a number indicating the sequential order of communications filed in chronological order for the year indicated. For example: COM-98-1. (Ord. 610 § 2, 1998)

**1.04.220 Report, petition and
communication register.**

Every report, petition and communication shall be recorded in a register kept for that purpose, and shall be written, dated and shall be signed by the person or persons submitting the document. (Ord. 610 § 3, 1998)

Chapter 1.08

OFFICIAL SEAL

Sections:

1.08.010 Design.

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The official seal of Butte-Silver Bow, state of Montana, shall be circular in form with an outer circle of rope design having a diameter of two and one-quarter inches. The seal shall also contain an inner circle consisting of a broken, dashed line having a diameter of one and five-eighths inches. The seal shall bear upon the upper portion of the space between the inner and outer circles the words, "Butte-Silver Bow" and upon the lower portion of said space the words, "State of Montana." Upon the lower portion of the space within the inner circle, the seal shall bear the legend "The Richest Hill on Earth," within the inner circle shall also be the replicas of: a readied bow as depicted on the former seal of Silver Bow County; Big Butte displaying the letter "M"; and, a mining headframe. Immediately below these replicas within the inner circle, the seal shall bear the numbers, five, dash, two, dash, seventy-seven (5-2-77), which signify the effective date of the government of Butte-Silver Bow. (Ord. 18 § 1, 1978)

Chapter 1.10

OFFICE HOURS

Sections:

**1.10.010 Office hours for certain
Butte-Silver Bow officers.**

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Silver Bow officers.**

The office hours for the sheriff, clerk and recorder, clerk of the district court, treasurer, county attorney, auditor and assessor shall be from eight a.m. until five p.m. continuously every day of the year except legal holidays and Saturdays. (Ord. 98-12 § 2, 1998)